THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO. 23350 OF 2005

Dated 27th January 2006

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Between:

P.Abhimanya Raju

…Petitioner

And

The Managing Director, A.P.State Cooperative Rural

Irrigation Corporation Ltd., Hyderabad

…Respondent

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO. 23350 OF 2005

O R D E R:

The petitioner is working as Deputy Executive Engineer, in the Andhra Pradesh State Cooperative Rural Irrigation Corporation Limited. He was posted at Warangal, in the year 2002. He states that ever since he has been posted at Warangal, he was not paid the salary, and vexed with that, he proceeded on leave, with effect from 3.2.2003, and joined duty on 11.10.2004, on being sent on deputation. The grievance of the petitioner is that he was not sanctioned the leave, which was to his credit, for the period referred to above.

In the counter affidavit filed by the respondent, it is stated that the petitioner submitted an application, as late as on 7.5.2005, for sanction of extraordinary leave, for the period referred to above, and the request was acceded to, on 9.5.2005. The particulars of absence of the petitioner during other stipulation of period, is also furnished.

Heard the learned counsel for the petitioner and learned Standing Counsel

for the respondent.

The grievance of the petitioner is about the action of the respondent, in denying the leave for the period between 4.2.2003 and 10.10.2004. In fact, at the commencement of this period, on 1.2.2003, the Managing Director of the Corporation sanctioned half-pay leave to the petitioner, from 4.2.2003 to 10.4.2003. That being the case, the petitioner being required to apply for extraordinary leave, once again, with effect from 4.2.2003, appears to be somewhat abnormal.

Be that as it may, once the petitioner intends to avail the half-pay leave, which is to his credit, the respondent cannot deny the same, particularly when such a leave was granted already, for a period of two months. The question of the petitioner being required to avail the extraordinary leave would arise, if only there did not exist to his credit, any half-pay leave. The petitioner is also responsible to a larger extent, for the present state of affairs, to come into existence. He was not consistent in his approaches. He went on changing the nature of his request.

Therefore, the writ petition is disposed of, directing the petitioner, to make a comprehensive representation, indicating the nature of the leave he seeks, as well as the period, for that purpose. The respondent, in turn, shall examine the same, and extend the relief to the petitioner, depending upon the extent of leave that lies to the credit of the petitioner. The extraordinary leave, which was already granted to the petitioner, shall be only in respect of such period, for which the petitioner is not entitled for any half-pay leave. This exercise shall be completed, within three months, from the date of submission of application by the petitioner. There shall be no order as to costs.

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27th January 2006

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